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SENATE BILL 563

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

Eric G. Griego

AN ACT

RELATING TO REDISTRICTING; ENACTING THE INDEPENDENT
REDISTRICTING COMMISSION ACT; CREATING THE INDEPENDENT
REDISTRICTING COMMISSION; CREATING A PROCESS FOR PLANNING
CONGRESSIONAL AND STATE LEGISLATIVE DISTRICTS; MAKING AN
APPROPRIATION; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. SHORT TITLE.--This act may be cited as the
"Independent Redistricting Commission Act".

SECTION 2. INDEPENDENT REDISTRICTING COMMISSION CREATED--
MEMBERS--TERMS--REMOVAL.--

A. The "independent redistricting commission" is
created. The independent redistricting commission shall
consist of eight commissioners. Each commissioner shall be a
registered qualified elector of New Mexico who has been

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1 continuously registered with the same political party for five
2 or more years immediately preceding appointment.

3 B. Except as provided in Section 5 of the
4 Independent Redistricting Commission Act, appointments to the
5 independent redistricting commission shall be made no later
6 than February 15 of the year following each federal decennial
7 census. Appointments shall be made as follows:

8 (1) the president pro tempore of the senate
9 shall appoint two commissioners;

10 (2) the speaker of the house of
11 representatives shall appoint two commissioners; and

12 (3) the house and senate floor leaders of the
13 party in the minority shall each appoint two commissioners.

14 C. The commissioners shall select two co-chairs of
15 the commission, each co-chair being from different political
16 parties. Commissioners shall take an oath to apply the
17 provisions of the Independent Redistricting Commission Act in
18 an honest, independent and impartial fashion and to uphold
19 public confidence in the integrity of the redistricting
20 process.

21 D. Commissioners shall serve until their successors
22 are appointed and qualified.

23 E. A vacancy on the independent redistricting
24 commission shall be filled by appointment by the original
25 appointing authority for that position.

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1 F. A commissioner may be removed by the governor,
2 with the concurrence of two-thirds of the elected members of
3 the senate, for substantial neglect of duty, gross misconduct
4 in office or inability to discharge the duties of office. A
5 commissioner shall be given written notice and provided with an
6 opportunity for a response before removal.

7 SECTION 3. REDISTRICTING PLAN--PROCESS.--

8 A. The independent redistricting commission shall
9 create redistricting plans for congressional and state
10 legislative districts to be voted on by the legislature. The
11 legislature may approve or disapprove the plans as submitted.
12 The independent redistricting commission shall submit its
13 redistricting plan to the legislature no later than September 1
14 of the year following each federal decennial census.

15 B. The process for creating congressional and state
16 legislative districts shall begin with the creation of
17 districts of equal population in a geometric or grid-like
18 pattern across the state. Adjustments shall then be made as
19 necessary to accommodate the following criteria:

20 (1) districts shall comply with federal
21 constitutional and statutory requirements;

22 (2) districts shall be equal in population to
23 the extent practicable;

24 (3) districts shall be contiguous and as
25 geographically compact as practicable;

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1 (4) district boundaries shall respect
2 communities of interest to the extent practicable;

3 (5) district lines shall use visible
4 geographic features and municipal and county boundaries when
5 practicable;

6 (6) districts shall not divide precincts; and

7 (7) competitive districts shall be favored
8 where to do so would create no significant detriment to the
9 other criteria provided in this subsection.

10 C. Party registration and voting history data shall
11 be excluded from the initial phase of the planning process but
12 may be used to test maps for compliance with the criteria
13 provided in Subsection B of this section. The places of
14 residence of incumbents or candidates shall not be identified
15 or considered.

16 SECTION 4. OPERATIONAL RESOURCES--PER DIEM.--

17 A. The independent redistricting commission shall
18 have procurement and contracting authority and may hire staff,
19 consultants and legal counsel necessary to carry out its
20 duties. The commission shall have standing in legal actions
21 challenging its redistricting plans or the adequacy of
22 resources provided for the operation of the commission. The
23 commission shall have sole authority to determine whether the
24 attorney general or counsel hired or selected by the
25 independent redistricting commission shall represent the state

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1 in the legal defense of a redistricting plan.

2 B. Commissioners are eligible for per diem and
3 mileage at the internal revenue service maximum federal per
4 diem rate for the city of Santa Fe and the internal revenue
5 service standard mileage rate for travel on commission
6 business.

7 C. The independent redistricting commission shall
8 not meet or incur expenses after the redistricting plan is
9 completed, except:

10 (1) when litigation or any governmental
11 approval of the plan is pending;

12 (2) to revise districts if required by a court
13 decision; or

14 (3) to consult with executive and legislative
15 agencies on the development of budgets in preparation for the
16 next redistricting cycle.

17 SECTION 5. TEMPORARY PROVISION.--For the year following
18 the 2010 federal decennial census, appointments to the
19 independent redistricting commission shall be made no later
20 than June 20, 2011.

21 SECTION 6. APPROPRIATION.--One million five hundred
22 thousand dollars (\$1,500,000) is appropriated from the general
23 fund to the independent redistricting commission for
24 expenditure in fiscal years 2011 and 2012 to carry out the
25 provisions of the Independent Redistricting Commission Act.

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1 Any unexpended or unencumbered balance remaining at the end of
2 fiscal year 2012 shall revert to the general fund.

3 SECTION 7. SEVERABILITY.--If any part or application of
4 this act is held invalid, the remainder or its application to
5 other situations or persons shall not be affected.

6 SECTION 8. EMERGENCY.--It is necessary for the public
7 peace, health and safety that this act take effect immediately.